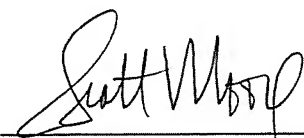


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 9342-11
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>	Application Number 10/519,278	Filed 12/22/04
	First Named Inventor Marcel Wong	
	Art Unit 2617	Examiner Brandon J. Miller
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 42,011</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> _____ Signature D. Scott Moore _____ Typed or printed name (919) 854-1400 _____ Telephone number February 28, 2008 _____ Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>		
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE EXAMINING GROUP 2617**

Attorney Docket No. 9342-11

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Wong et al.

Confirmation No. 8905

Application Serial No.: 10/519,278

Group Art Unit: 2617

Filing Date: December 22, 2004

Examiner: Brandon J. Miller

For: **AUTOMATED SENDING OF PRECONFIGURED MESSAGES**

February 28, 2008

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REASONS IN SUPPORT OF APPLICANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program, which have been extended indefinitely

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in the Final Office Action mailed November 28, 2007 (hereinafter "Final Action"). The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005.

Applicants respectfully submit that the rejections of the currently pending claims are clearly erroneous because many of the recitations of the pending claims are not met by the cited references for at least the reasons discussed herein and in Applicants' previously filed Amendment dated September 13, 2007. Therefore, Applicants respectfully request review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity and without waiving the right to argue additional grounds should this Petition be denied, Applicants will only discuss the recitations of independent Claims 1, 12,

and 24.

Independent Claims 1, 12, and 24 are Patentable

Independent Claims 1, 12, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No.6,044,275 to Boltz et al. (hereinafter "Boltz") in view of U. S. Patent Publication No. 2003/0023759 to Littleton et al. (hereinafter "Littleton"). Independent Claim 1 is directed to a method of automatically sending electronic messages from a portable communication device to a selected recipient and recites, in part:

retrieving date information from an electronic date determination unit;
retrieving first recipient related information from an electronic contact register, the first recipient related information being personal date information associated with the recipient; and
automatically sending a pre-configured electronic message over a network to the recipient based on the date information and the first recipient related information. (Emphasis added).

Independent Claims 12 and 24 include similar recitations. According to the independent claims, personal date information is associated with a recipient. A pre-configured electronic message is automatically sent over a network based on date information retrieved from an electronic date determination unit and the personal date information associated with the recipient. Some embodiments of the present invention may allow more simplified sending of personal messages, such as birthday greetings, to specific recipients. For example, in the case of a birthday greeting, a device user may include birthday information along with other contact information for one or more individuals in a contact register of a portable communication device. The user may also prepare a message to wish a particular individual a happy birthday. Once the communication device determines that there is a match between the current date and the birthday of the particular individual whose contact information is in the contact register, the communication device automatically sends the already prepared birthday message to the particular individual on his/her birthday.

The Final Action acknowledges that Boltz does not disclose or suggest "an electronic contact register and first recipient related information being personal date information." (Final Action, pages 2 and 3). The Final Action maintains, however, that Littleton provides

the missing teachings. (Final Action, page 3). Applicants respectfully submit that neither Boltz nor Littleton disclose or suggest, at least, associating personal date information with a recipient and storing the personal date information in a contact register and also sending a pre-configured electronic message to the recipient based on the personal date information and date information retrieved from an electronic date determination unit.

Turning first to Boltz, this reference describes a system in which a user, *i.e.*, message sender, can define a date and time that an SMS message is to be delivered (Boltz, col. 4, lines 20 - 24; col. 4, lines 44 - 62; and col. 4, line 63 - col. 5, line 12). Boltz does not disclose or suggest associating personal date information with a recipient and storing the personal date information in a contact register. While Boltz does describe automatically sending an electronic message at a time defined by a user/sender, Boltz does not describe sending the electronic message based on personal date information associated with the recipient.

Turning next to Littleton, this reference describes a technique for provisioning telephony services on a personal digital assistant (PDA) in which a user is presented with a list of names of contacts in an address book database. The user may then select a contact from the database. (Littleton, paragraph 20). Once a user has selected a contact, various telephone service features can be selected for the contact, such as call waiting, call forwarding, call blocking, etc. (Littleton, paragraph 20). Littleton points out that a record for a contact in the database may include custom fields, such as a field for storing birthday information. (Littleton, paragraph 21). Such a custom field may be used to store a compressed coded string message representing the various telephony feature information associated with the contact. (Littleton, paragraph 23). Thus, Littleton does not disclose or suggest using personal date information as a basis for sending an electronic message. In fact, Littleton suggests using a field that may be used to store personal date information, such as birthday information, for another purpose, *i.e.*, to store telephony service feature information. If any birthday information is stored in such a field, it appears that Littleton suggests replacing it with telephony service feature information.

In response to this argument, the Final Action states Applicants cannot show nonobviousness by attacking the references individually when the rejections are based on combinations of references. (Final Action, page 9). Applicants submit, however, that even if

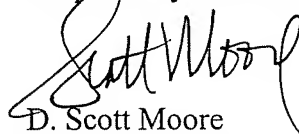
combined, the combination of Boltz and Littleton does not disclose all of the recitations of the pending independent claims. As discussed above, Boltz fails to disclose or suggest sending an electronic message based on personal date information associated with a recipient.

If Boltz is modified to include the teachings of Littleton, then Boltz may include a contact database in which a record for a contact in the database includes a custom field, such as a field for storing birthday information. The custom field may be used to store a coded message that represents telephony feature information associated with the contact. There is no suggestion in Littleton that the custom field may instead be used to hold the birthday information and then that birthday information be used as a basis for sending an electronic message. Rather, Littleton teaches away from using the custom field for holding personal date information and recommends instead using the custom field to store telephony service feature information.

Applicants submit, therefore, that the Boltz and Littleton references, either alone or in combination, do not disclose or suggest, at least, associating personal date information with a recipient and storing the personal date information in a contact register and also sending a pre-configured electronic message to the recipient based on the personal date information and date information retrieved from an electronic date determination unit as recited in independent Claims 1, 12, and 24.

For at least the foregoing reasons, Applicants respectfully request that the present application be reviewed and that the rejection of independent Claims 1, 12, and 24 be reversed by the appeal conference prior to the filing of an appeal brief.

Respectfully submitted,



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In re: Wong et al.

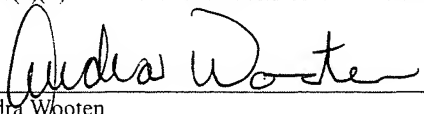
Application Serial No.: 10/519,278

Filing Date: December 22, 2004

Page 5 of 5

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 28, 2008.



Audra Wooten